

Attorney Docket No. P67564US1
Application No. 10/501,814

Remarks/Arguments:

The instant paper corrects inadvertent, obvious errors appearing in the claims of the previously filed amendment.

According to the remarks of the previously filed amendment:

All the claims are now limited to "Alzheimer's disease." The phrase "fragments, variants and derivatives" is deleted from the claims. Furthermore, all the claims are now limited to "a method of diagnosing" by cancelling the phrases "prognostication...or determining...at increased risk of developing."

By the instant amendment, all the examined claims (and withdrawn claims 16-22, 25, and 28-31) are now commensurate with the aforesaid statement/argument made in the remarks of the previously filed amendment. For the examiner's convenience, the remarks from the previously filed amendment—with respect to the claims—are repeated below.

Claims 1, 2, and 5-32 are pending, with claims 11-32 being withdrawn pursuant to restriction.

Claims 3 and 4 are cancelled, without prejudice or disclaimer.

The full name "sodium channel type 2A (followed by its acronym "SCNSA" in parentheses) is now recited in claim 1, overcoming the objection to the claim.

Claims 1-10 are rejected under 35 U.S.C. 112, ¶1, for alleged lack of enablement and under 35 U.S.C. 112, ¶1, for allegedly failing to comply with written description requirement. Reconsideration of the rejections is requested.

All the claims are now limited to "Alzheimer's disease." The phrase "fragments, variants and derivatives" is deleted from the claims. Furthermore, all the claims are now limited to "a method

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of diagnosing" by cancelling the phrases "prognostication...or determining...at increased risk of developing."

Further, Applicants submit that novelty and non-obviousness are indicated, i.e., in that, in the present claims SCN2A is associated with Alzheimer's disease.

Accordingly, the § 112, ¶ 1, rejections are overcome. Withdrawal of the rejections appears to be in order.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Planells-Cases et al (2000, see IDS).

It is kindly submitted that said rejection has been overcome by limiting the amended set of claims to Alzheimer's disease, only. Accordingly, withdrawal of the rejection appears to be in order.

Claims 1, and 4-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Nostrand et al (US patent No. 5,427,931).

The phrase "fragments, derivatives and variants" has been cancelled out of all claims. Accordingly, the rejection is overcome and withdrawal of the rejection appears to be in order.

Claims 2-3, and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Planells-Cases et al (2000, see IDS).

Planells-Cases et al. neither disclose nor suggest a method of diagnosing Alzheimer's disease according to the presently amended claims. Accordingly, the rejection is overcome and withdrawal of the rejection appears to be in order.

Attorney Docket No. P67564US1
Application No. 10/501,814

Favorable action is requested.

Respectfully submitted,

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